

STATE OF MICHIGAN
COURT OF APPEALS

In the Matter of CINNAMON MARSHAE
BRADLEY, GIOVONNI RAEVIS BYRD, and
CURTEZ BYRD, Minors.

DEPARTMENT OF HUMAN SERVICES f/k/a
FAMILY INDEPENDENCE AGENCY,

UNPUBLISHED
September 29, 2005

Petitioner-Appellee,

v

CHERYL LYNN SHAFFER,

Respondent-Appellant,

and

CURTIS J. BYRD and RONALD LEE BRADLEY,

Respondents.

No. 261889
Wayne Circuit Court
Family Division
LC No. 02-410606-NA

Before: Bandstra, P.J., and Neff and Donofrio, JJ.

MEMORANDUM.

Respondent Cheryl Lynn Shaffer appeals as of right from the trial court order terminating her parental rights to the minor children under MCL 712A.19b(3)(c)(i) and (g). We affirm. This appeal is being decided without oral argument pursuant to MCR 7.214(E).

The trial court did not clearly err in determining that the statutory grounds for termination of parental rights were established by clear and convincing evidence. MCR 3.977(J); *In re Miller*, 433 Mich 331, 337; 445 NW2d 161 (1989). Respondent had a long-term drug addiction but made efforts to overcome that addiction during the 2½-year course of this proceeding. In addition to addiction, lack of housing was a condition of adjudication. The evidence showed that respondent obtained and maintained suitable housing and rectified that condition of adjudication. She completed inpatient drug treatment and attended outpatient aftercare. However, she provided only half of her required drug screens and did not fully engage in substance abuse and individual counseling. She relapsed in May and June 2004 and thereafter did not meaningfully engage in drug treatment or submit screens. The evidence was clear that, despite two years of services, respondent had not successfully overcome her addiction.

Respondent also failed to provide proper care or custody for the children. Cinnamon was born positive for cocaine, and some time later respondent left her in the care of a worker at the Hutzel Recovery Center. Protective services received neglect referrals regarding respondent before commencement of this proceeding. Respondent's inability to provide proper care or custody for her children was directly related to her drug addiction, and the fact that there was no reasonable expectation that she would become drug-free within a reasonable time showed that there was no reasonable expectation that she would be able to provide proper care or custody for the children within a reasonable time.

Further, the evidence did not show that termination of respondent's parental rights was clearly not in the children's best interests. MCL 712A.19b(5); *In re Trejo*, 462 Mich 341, 356-357; 612 NW2d 407 (2000). The children were bonded to respondent, but separation was required until respondent demonstrated that she could remain drug-free. Reunification was not possible within a reasonable time, the children needed stability, and the trial court did not err in determining that the evidence did not show that termination was clearly contrary to the children's best interests.

Affirmed.

/s/ Richard A. Bandstra

/s/ Janet T. Neff

/s/ Pat M. Donofrio